IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Bail Appl..No. 7082 of 2006()

CP.1/2006 of J.M.F.C.,KATTAKADA
C.R.NO.47/03 OF KATTAKKADA EXCISE RANGE.

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PETITIONER/ACCUSED

SHANTHA, W/O.JUSTUS,
AGED 43 YEARS, RESIDING AT THOTTUMKARA PUTHEN VEEDU, UNDAVETTI, NARANELLOOR, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM.

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
AT HIGH COURT OF KERALA, ERNAKULAM.

2. THE EXCISE INSPECTOR,
KATTAKKADA EXCISE RANGE,
THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7082 OF 2006

DATED THIS THE 30th DAY OF NOVEMBER, 2006

O R D E R

Petitioner, a lady, who is the 3rd accused in C.R.No.47/03 of Kattakkada Excise Range for offences punishable under sections 55(a), (b) and (g) read with sections 8(1) and (2) of the Abkari Act for allegedly having been found in possession of 375 litres of wash and 500 ml of arrack together with distilling apparatus on 20.8.2003, seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the accused before the committal court, where the case is pending as C.P.No.1/06, non-bailable warrant of arrest is pending against the petitioner.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the committal court and seek regular bail. Accordingly, if the petitioner surrenders before the J.F.C.M., Kattakkada and files an application for regular bail within 10 days from today, the same

shall be considered and disposed of, preferably on the same date on which it is filed, after considering the explanation offered by the petitioner for her non-appearance.

V.RAMKUMAR, JUDGE

dsn